


**NORTON ROSE FULBRIGHT**

November 15, 2024

Via Email [Aaron\\_NYSDChambers@nysd.uscourts.gov](mailto:Aaron_NYSDChambers@nysd.uscourts.gov)

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Hon. Stewart D. Aaron  
US Magistrate Judge  
US District Court Southern District  
of New York  
500 Pearl Street, Room 1970  
New York, NY 10007

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Re: Case No. 1:23-cv-09482-JPO; *Nicholas Widmer et al. v. Scale Facilitation et al.*; In the  
United States District Court for the Southern District of New York

Dear Judge Aaron:

Per our discussions in the settlement conferences on this matter, Defendants request that the Court permit Defendant David Collard to file under seal an unredacted copy of a single exhibit - David Collard's Declaration made in connection with the settlement agreement in this matter, which will be filed today. The Declaration contains statements regarding Collard's ability to satisfy the financial terms of the judgment to be entered as a part of the settlement agreement. As you will see in the settlement agreement, all parties have agreed that the Declaration will be filed under seal.

You will recall that Collard objected to the public filing of the Declaration, since the press could use the Declaration in a manner that would significantly damage Collard's ability to engage in new business activity. In turn, that damage would impede Collard's ability to earn the funds necessary to pay the judgment in this matter. When I raised this issue in the settlement conference, you stated that the Declaration should be filed with the Court as part of the settlement agreement review process, but that the Declaration would qualify for filing under seal in your Court, which should satisfy Collard's confidentiality concerns.

For these reasons, Defendants respectfully request that the Court issue an Order granting Collard the right to file the Declaration under seal, if the Court finds that it needs to review the Declaration in connection with its review of the settlement agreement in this matter.

Sincerely,

/s/ *M. Carter Crow*

M. Carter Crow

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Hon. Stewart D. Aaron  
October 18, 2024  
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